

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

NATIONAL ASSOCIATION OF
IMMIGRATION JUDGES,

Plaintiff,

v.

JAMES R. MCHENRY III, Director of the
Executive Office for Immigration Review,

Defendant.

Case No. 1:20-cv-731 (LO/JFA)

**CONSENT MOTION FOR AN EXTENSION OF TIME TO RESPOND TO
PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 6(b), and with the consent of Plaintiff's counsel, Defendant respectfully moves for an extension of two additional business days within which to respond to Plaintiff's motion for a preliminary injunction. The requested enlargement will not require alteration of the existing hearing date. The grounds for this motion are as follows:

1. Plaintiff filed this civil action on July 1, 2020, asserting causes of action under the First and Fifth Amendments. Dkt. No. 1. On the same date, Plaintiff filed a motion for a preliminary injunction and noticed the hearing for July 31, 2020. Dkt. Nos. 10, 19.
2. Plaintiff served Defendant with the summons, complaint, and preliminary injunction motion package on the afternoon of July 2, 2020. Dkt. Nos. 21, 22. Accordingly, the current deadline for Defendant's response to Plaintiff's motion is July 16, 2020.
3. Due to the long holiday weekend beginning on July 3, 2020 and pre-planned leave, the Federal Programs Branch of the Department of Justice, which is serving as lead counsel in this action, was unable to assign an attorney to the case until the evening of July 7, 2020. Additionally, the fact-intensive nature of Plaintiff's constitutional challenge and preliminary injunction motion is

such that undersigned counsel require time to consult with and obtain necessary information from Defendant and the Executive Office for Immigration Review in order to prepare a response.

4. For these reasons, Defendant respectfully requests an extension of two business days—until July 20, 2020—within which to respond to Plaintiff's motion. This brief extension will not prejudice Plaintiff's ability to submit a reply brief, and will not affect the hearing on the motion scheduled for July 31, 2020.

5. Plaintiff consents to the relief requested.

A proposed order is attached for the Court's convenience. Defendant waives hearing on his motion.

Dated: July 9, 2020

Respectfully submitted,

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/s/
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